IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16453 of 2005

Between:

B.Reshindra Babu S/o. Narendara Babu
R/o.F-Block, G-3, Hill Flats CZETH Colony
Sanathnagar Hyderabad.

..... PETITIONER

AND

1 The Govt. of Andhra Pradesh Rep.by its Secretary, Higher Education Dept., Secretariat Hyderabad and others.

.....RESPONDENT(S)

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THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16453 of 2005

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ORDER:

This writ petition is filed by the petitioner seeking Writ of *Mandamus* directing the respondents to declare him as qualified in EAMCET-2005 for admission into Medical stream as per G.O.Ms.No.75, Higher Education Department, dated 19.07.2005 and consequently direct the respondents to permit him to participate in the counselling scheduled to be held on 29.07.2005.

2. According to the petitioner, he passed Intermediate with Bi.P.C. Group and also appeared for the EAMCET-2005 examination and secured 46 marks out of 160 marks. But, however, as per the minimum percentage fixed, he was not qualified and therefore, no rank was issued to him. Subsequently, by G.O.Ms.No.75, dated 19.07.2005, the Rules framed in G.O.Ms.No.16, dated 25.02.2004 were amended reducing the qualifying marks from 48 to 40 i.e., from 30% to 25%. In pursuance of which, the petitioner is eligible to get a rank and also entitled to participate in the counselling. It is also stated that the petitioner participated in the 9th Asian Roller Skating Championship held at Taiwan and stood at third place from India. Hence, he is entitled to a priority under the 'sports quota'. Therefore, he sought for appropriate orders.

3. At the time of hearing the learned Government Pleader for Higher Education placed the relevant amendment, with reference to granting relaxation. According to the learned counsel, the Rules regulating the admissions were issued in G.O.Ms.No.16 dated 25.02.2004 for the year 2004-2005. In order to give opportunity for more candidates, there was a relaxation in the minimum eligibility marks and accordingly they were reduced from 30% to 25%. But, the same was confined only in respect of the Engineering and Pharmacy courses and not with reference to other courses. Therefore, the candidates, who were seeking admission in other courses, are not eligible. He also stated that G.O.Ms.No.75, dated 19.07.2005 was issued extending the benefit of relaxation in the minimum marks only with reference to Engineering and Pharmacy courses by substituting the year in the proviso to Sub-Rule (7) of
Rule 4 of the Rules framed in G.O.Ms.No.16 dated 25.02.2004 by the academic year 2005-2006. Thereby, the relaxation granted for the earlier year was extended for this year also with reference to the above two courses only and not for the candidates seeking admission in other courses. Therefore, the petitioner, who is seeking admission under the Medical Stream, is not entitled for the relaxation.

4. The learned counsel for the petitioner sought to contend that the petitioner, being a sports person, who participated in the Asian Games and stood in the third place from India, is entitled to be considered even without qualifying marks. Therefore, he sought for appropriate orders.

5. Heard both sides and considered the material available on record.

6. In view of the amendment granting relaxation for the academic year 2005-06 only in respect of Engineering and Pharmacy Courses, the petitioner, who is seeking admission in the Medical Stream, is not entitled to admission. But, however, the grievance of the petitioner is that though he is eligible to seek admission in the Pharmacy courses, he was not granted any rank. The learned Government Pleader for Higher Education has fairly conceded that the petitioner would also be issued a rank for the purpose of admission into Pharmacy Course.

7. In that view of the matter, the writ petition is disposed of at the admission stage directing the third respondent to issue a rank card to the petitioner so as to appear for the counselling for the Pharmacy Course.

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S. Ananda Reddy, J

Date: 29.07.2005

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